

THE COURTS.

The case of Stokes was set down on yesterday's calendar in the Supreme Court. General Term, for argument on the appeal from the recent verdict in the Court of Oyer and Terminer. As the District Attorney was engaged in the Scamell case the argument was postponed. It is probable that the case will not be reached again before next term.

SUPREME COURT—CHAMBERS.

A Court Crier to Get His Money by a Mandamus.
Before Judge Fancher.

In the case of Daniel O'Brien, the Crier of the Superior Court, on whose account application was made for a peremptory mandamus against the Comptroller, directing payment of arrears of salary, the facts of which have been fully reported in the Herald, the Judge yesterday gave a decision in O'Brien's favor. He decided that the Crier was legally appointed by the Justices of the Superior Court, under section 3rd of the Code of Procedure, and his salary lawfully fixed, and to be paid by the county.

Decisions.

Rabcock et al. vs. Lambrelling—Motion granted and receiver appointed.
Merritt vs. Merritt—Order of publication granted.

Porter et al. vs. Looker et al.—Petition granted. Gideon Libby vs. Catharine Libby—Motion granted as to sixth section of the complaint and denied as to the other sections.
By Judge Harden.

Washington Hull vs. Alice J. Hull—Judgment in default of the defendant in the plaintiff against the defendant.
McGregor vs. Spence—Terms of the order settled.

J. W. Culbert vs. Connecticut Mutual Life Insurance Company—Motion granted without costs.
Spier vs. Coddling—Motion denied with \$10 costs.

SUPERIOR COURT—SPECIAL TERM.

Decisions.

By Judge Van Vorst.
Raymond vs. Harrison—Motion granted.
Hutchins vs. Hilver—Motion granted.

Rhodes vs. McCurdy—Motion to strike out sixth sub-division of answer, as irrelevant granted, otherwise motion denied.
Spring vs. Day—Motion granted.

Forty-second Street, &c., Railroad Company vs. Gunter—Judgment for plaintiff on demurrer, with liberty to defendant to answer on payment of costs.

Royster vs. King—Order for judgment.
Arnold vs. Jordan—Order granted.

Henrietta Yates Cohen vs. The Mutual Life Insurance Company of New York—Motion for extra allowance denied. (See Merchants' Exchange Bank vs. Commercial Warehouse Company, decided in the General Term of the Superior Court, in January, 1873.)

George L. Rose and William W. Rose vs. Julius Larnor, implicated in the case of the late trial by the Court without a jury. Judgment for the plaintiffs. Finding to be prepared and submitted to me on two days' notice to the opposite party.
By Judge Freedman.

Winston vs. English—Motion granted and order and summons issued for trial on March 11th.
Bradford vs. The Third Avenue Railroad Company—Under the decision of Justice Van Vorst, 44 N. Y., 333, this motion must be granted, and the defendant's counsel should desire to be heard in the settlement of the issues. In that case it is referred to Samuel Jones, Esq., to settle the issue.

Neafie vs. Coppersmith—Upon presentation of an engrossed or printed copy, as required by rule 19 of this Court, a case will be marked settled and ordered off the list.
Davis vs. Pearsall—Order for judgment.

COURT OF COMMON PLEAS—GENERAL TERM.

A District Court Janitor After His Pay.
Before Judges C. F. Daly, Robinson and Loew.

Michael Sullivan, in 1870, was appointed Janitor of the Sixth District Court, pursuant to a resolution of the Common Council, and \$1,000 was paid him as salary. He has not received the balance of his salary. He has paid the balance of his salary. He has paid the balance of his salary.

1872, when the Comptroller shut down on further payments. Suit was brought before Judge Loew to compel payment, and the complaint was dismissed on the ground that the Common Council had no power to make such an appropriation. The case came down before this Court on appeal, and was argued yesterday at considerable length. Mr. Sullivan's counsel asked leave of prohibition as to new evidence not included in the original complaint, which he insisted, Mr. Sullivan simply was, Mr. Dean opposed, and at the conclusion of the trial the argument of the Court took the papers, reserving its decision.

Decisions.

By Judge Robinson.
McGrath vs. Shattuck—Memorandum for counsel.

Cambias vs. Butterfield—Same.
By Judge C. F. Daly.

Van Saun vs. Reynolds—Order settled.

MARINE COURT—PART I.

Action on a Contract.
Before Judge Rogers.

Brangan vs. Crothers et al.—The complaint in this action set forth that the plaintiff became security for the rent of a liquor store in East Fourth street, but that, by a certain instrument in writing, the defendants bound themselves to pay the rent of the same premises for seven months preceding the 1st day of June, 1871, and to compel which the plaintiff demanded judgment. The paper referred to being offered in evidence it was discovered that the word used in it was "succeeding" and, on this ground, objection was made to its admission. The Court, however, asked leave to amend his answer on the spot, but defendants' counsel claiming that this would be stating a new cause of action, the Court refused to allow the amendment, and the case was adjourned to give time for the necessary change of pleadings, costs being imposed upon plaintiff.

MARINE COURT—PART 2.

The Law Governing Common Carriers.
Before Judge Howland.

Solomon & Joseph Waxelman vs. William Dinsmore—This action was brought by the plaintiffs, copartners in business at Macao, Ga., to recover from the defendant the sum of \$1,000. It appeared that on the 26th of October, 1865, the plaintiffs purchased goods of the firm of Howard, Sanger & Co., of this city, and ordered them to be transported to Macao by Adams Express Company. Howard, Sanger & Co. delivered the goods to the express company in accordance with these directions, and they were shipped by sea to Savannah, where they were delivered to the carrier of the goods, and were transported to Macao by way of St. Louis. The express company placed the goods on board a steamer, which was to sail for St. Louis, and the goods became almost a total loss. The plaintiffs, on the delivery of the goods to them at Macao, immediately demanded of the express company its full value, but this was refused. Hence this suit. During the trial of the case considerable legal sparring took place, and the Court gave the admission and rejection of evidence. The plaintiff's counsel sought to maintain that the defendant was bound to transport the goods through the sea and not by the land route, and that the defendant was a circuitous and dangerous route. He also insisted on proving his case as to the delivery of the goods to the carrier, and the responsibility of the defendant by circumstantial evidence, without introducing any documentary evidence. The defendant's counsel insisted on the introduction of a charter for the delivery of the goods. The Court held that the plaintiffs, in order to prove a delivery or contract, should introduce the receipt, by the carrier, for the delivery of the goods. The Court directed the jury to find a verdict for the plaintiffs in the sum of \$50, with interest. Verdict for plaintiffs, \$50, interest, \$25.

COURT OF GENERAL SESSIONS.

Acquittals.
Before Judge Sutherland.

The first case called yesterday by Assistant District Attorney Rollins was an indictment against Anton Worth, for stealing \$50 from Mariana Burkhardt. It turned out from the first question put to the complainant that the prisoner was her son, and that she gave him the money, and he refused to return it. Mr. Kintzing requested the Court to charge that the accused could not be convicted of larceny. His Honor charged that it was only a trespass, and the jury rendered a verdict of not guilty without leaving their seats.

Joseph O'Donnell, a junk dealer, was also acquitted of a charge of receiving stolen goods. He was charged with receiving stolen goods from the brand of Boies & Byrne on March 5, and the jury rendered a verdict of not guilty without leaving their seats.

A Car Picked Up Sent to Sing Sing Prison.
The next case was that of larceny from the person, the prisoner being John Walsh, who was jointly indicted with John Russell. The proof was that on the evening of the 23d of January a gold watch was stolen from Dr. Alexander McDonald while riding upon the rear platform of a Third Avenue car. It appeared that Russell was subsequently arrested and escaped from prison. The evidence against Walsh was circumstantial, the principal item of proof being that he had been seen at the moment the watch was taken. The jury rendered a verdict of not guilty.

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